

REMARKS

The Office Action dated September 9, 2004, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this Amendment, claims 2 and 4 have been cancelled and claims 1 and 5 have been amended. Support for the amendments to claim 1 can be found on page 7, lines 12-17 of the specification as originally filed. No new matter has been added. Claims 1, 3 and 5 are pending and respectfully submitted for consideration.

The title of the invention was objected to as not being descriptive of the invention. The Applicants have amended the title responsive to the objection.

Claims 1-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Smith et al. (U.S. Patent No. 5,995,477, "Smith"). As noted above, claims 2 and 4 have been cancelled. Claims 3 and 5 depend from claim 1. The Applicants respectfully submit that claims 1, 3 and 5 recite subject matter that is neither disclosed nor suggested by Smith.

Smith discloses a data cartridge 200, a data cartridge handling and storage caddy 300, a storage rack 108, and a picker 106. The caddy 300 includes a rear cartridge magazine side 342 into which the data cartridges 200 can be inserted and from which they can be extracted. Caddy 300 also includes a front user handling side 344, which has a handle 314 for a user to carry the caddy 300 when the caddy 300 is removed from the storage rack 108. The handle 314 may also be utilized by the user to insert and extract the caddy 300 into and out of the storage rack 108. The parts involved in aligning and referencing the caddy 300 to the autochanger storage rack 108

include the caddy guide bottom plate 402, caddy guide referencing sleeve 500, caddy guide rail 404, caddy hooks 406, caddy lock spring 604, and caddy guide top plate 600.

With respect to claim 1, the Applicants respectfully submit that Smith fails to disclose or suggest the claimed features of the invention. Claim 1 recites a transporter for transporting the disc carrier in the disc arrangement direction. The Examiner took the position that the picker 106 in Smith transports the cartridges in a disc arrangement direction. However, Smith discloses that the picker 106 pulls the data cartridge 200 out of the storage rack 108 in an upright position. See column 4, lines 63-66 of Smith. In particular, the picker 106 in Smith pulls the data cartridge 200 out of the storage rack 108 in the horizontal direction which is perpendicular to the disc arrangement direction. The upright position in Smith is not comparable to the disc arrangement direction. As such, Smith does not disclose or suggest transporter for transporting the disc carrier in the disc arrangement direction, as recited in claim 1.

Claim 1 also recites that at least a number of the plurality of restriction members are located in the vicinity of a magazine insertion opening of the magazine holder to downwardly press the one surface of the magazine as the magazine is being inserted. As a result, the plurality of restriction members are formed in the magazine holder to ensure an exactly correct insertion of the magazine as the magazine is being inserted into the magazine holder, thereby preventing the magazine from moving or vibrating in the vertical direction. Thus, even if a magazine is inserted in an inclined and upward direction into the magazine holder, such an insertion can be easily adjusted to the correct direction. Further, since a number of the restriction members are located in the

vicinity of the magazine insertion opening of the magazine holder, the magazine insertion direction can be correctly adjusted at the beginning of the insertion movement.

In contrast, Smith discloses at column 10, lines 38-42, that the caddy lock spring 604 on the caddy guide top plate 600 locks into hole 380 in the top 350 of the caddy 300 and locks the caddy 300 into place when the caddy 300 is completely installed into the storage rack 108. Further, Smith discloses at column 10, lines 51-59, that when the caddy 300 is fully installed into the storage rack 108, the caddy lock spring 604 on the caddy guide top plate 600 locks into the hole 380 in the top 350 of the caddy 300 and locks the caddy 300 into place within the storage rack 108 against backward movement in the X direction. When the caddy lock spring 604 is locked into hole 380, lock ledge 605 of lock spring 604 engages surface 382 of hole 380 and holds the caddy in place.

As such, the caddy lock spring 604 in Smith is adapted to be locked in a predetermined position (hole 380) along the caddy insertion direction (X direction) and such hole 380 is located not on the insertion opening side of the storage rack 108, but on an inner corner thereof. Accordingly, the caddy lock spring 604 in Smith is provided only for locking the caddy 300 in place within the storage rack 108, not for restricting the insertion direction of the caddy 300. Therefore, the caddy lock spring 604 in Smith is not comparable to the restriction members recited in claim 1.

According to U.S. patent practice, a reference must teach every element of a claim in order to properly anticipate the claim under 35 U.S.C. §102. In addition, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir.

1987). "Every element of the claimed invention must be arranged as in the claim . . . the identical invention, specifically, [t]he identical invention must be shown in as complete detail as contained in the claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added).

The Applicants respectfully submit that Smith does not disclose or suggest the transporter for transporting the disc carrier in the disc arrangement direction or the plurality of restriction members located in the vicinity of a magazine insertion opening of a magazine holder to downwardly press the one surface of the magazine as the magazine is being inserted, as arranged in claim 1. Accordingly, Smith does not anticipate claims 1, 3 and 5, nor are claims 1, 3 and 5 obvious in view of Smith.

Claims 3 and 5 depend from claim 1. The Applicants respectfully submit that these dependent claims are allowable at least because of their dependency from allowable base claim 1. Accordingly, the Applicants respectfully request allowance of claims 1, 3 and 5 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper,

may be charged to counsel's Deposit Account No. 01-2300, referencing Attorney Dkt.
No. 107156-00198.

Respectfully submitted,



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Enclosure: Petition for Extension of Time (one month)

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